

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.5969 OF 2006

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ORAL ORDER:

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This writ petition is filed seeking a declaration that the action of the respondents in refusing to receive the application of the petitioner dated 10.3.2006 for correcting his date of birth as 15.7.1983 instead of 21.4.1978; for changing his father's name as Mohammed Gousuddin in the place of Mohammed Ghouse Pasha, mentioned in his pass port No. B 5337250, as arbitrary and illegal.

The petitioner states that his correct date of birth as per SSC marks memo is 15.7.1983, and similarly, his father's name is Mohammed Ghousuddin. However, in the application for passport, which was made through an agent, his date of birth was wrongly mentioned as 21.4.1978, instead of 15.7.1983. His father's name was wrongly mentioned as Mohammed Ghouse Pasha. Having realized the mistakes crept in his passport bearing No. B 5337250, which is valid up to 17.4.2011, he made an application requesting the respondents to correct/rectify the above said mistakes in his passport. However, the respondents did not consider the same. Hence, this writ petition.

I have heard the learned counsel for the petitioner and perused the material on record.

It is to be noted that the Government of India, Ministry of External Affairs, issued circular dated 18.04.2001, which reads as under:

- a. Where an applicant is seeking rectification/Correction of a mistake in the entry of date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, after the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.
- b. Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.
- c. Where the initial entry has been made on the basis of a supportive document issued by one competent authority and the applicant subsequently requests for a change on the basis of a certificate issued by another

competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent Court of jurisdiction, certifying the valid date of birth/place of birth.”

Having considered the above circular, this Court in **Ali Imran v. Regional Passport Officer, Secunderabad** held that as per the circular dated 18.04.2001, it is permissible to accept the applications for Rectification/correction of the entries in the passport.

The learned counsel for the petitioner submits that the correction of date of birth of the petitioner and his father’s name in the passport was only a technical correction, and therefore, it falls under clause (a) of the circular. In support of his submission the learned counsel relied upon the decision in **Asra Begum v. Regional Passport Officer, Secunderabad** .

Having regard to the facts and circumstances of the case and following the decision of this Court in **Ali Imran’s case** (1 supra), the writ petition is disposed of granting liberty to the petitioner to make a fresh application with relevant material to substantiate his plea, within a period of two weeks from the date of receipt of a copy of this order, and if any such application is made, the respondents are directed to receive and consider the same in accordance with the circular dated 18.04.2001 and pass appropriate orders in accordance with law and communicate the same to the petitioner within a period of four weeks thereafter.

The writ petition is accordingly, disposed of. No costs.

(G. ROHINI, J.)

12th June, 2006.

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THE HON’BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.5969 OF 2006

12th June, 2006

Between:

Mohammed Moizuddin. .. Petitioner.

And

The Joint Secretary (CVP) &

Chief Passport Officer, CVP Division,

Ministry of External Affairs,

Patiala House Annexxee, Tilak Marg,

New Delhi and another. .. Respondent.